

# The Critical Edge

*News about the CSPA from the DES Shoreland Program*



## *July 1, 2008 is the New Effective Date for the CSPA Changes*

The changes to the Comprehensive Shoreland Protection Act enacted April 1, 2008 have been repealed and reenacted with a new effective date of July 1, 2008. The state is now operating under the preexisting law and rules. New projects and activities conducted within the protected shoreland do not require a permit until July 1, 2008.

**Certain elements of the CSPA enacted on April 1, 2008 were not repealed** and will remain in effect, including:

- **The primary building setback.** The minimum primary structure setback in all towns is 50' from protected waters. This applies to all towns whether or not the town had its own lesser setback. Towns may continue to maintain or enact more stringent setbacks, however, they may not issue variances for primary building construction within 50' of the reference line.
- The CSPA will apply to fourth

order and higher streams including the Saco and Pemigewasset Rivers. For a list of fourth order and higher streams for use until July 1, 2008, please visit [www.des.nh.gov/cspa](http://www.des.nh.gov/cspa).

The New Hampshire Legislature is considering additional amendments to the CSPA, which may also become effective July 1, 2008.

As of April 30, 2008, the proposed amendments are in Senate Bill 352. Among other things, the bill proposes changes to percentage of unaltered area between 50' and 150'; changes in the impervious surface calculation that eliminates the deed restriction requirement on the waterfront buffer to qualify for additional impervious surface; and the removal of the restriction on the use of pesticides if done by a licensed applicator.

Stay tuned to the shoreland web page for updates and additional *Critical Edge* newsletters.

## *The CSPA*

RSA 483-B, the Comprehensive Shoreland Protection Act was originally enacted in 1991 and established standards for the subdivision, use and development of the shorelands of the state's public waters. The standards of the CSPA are designed to ensure that development within the protected shoreland occurs in a manner that protects water quality. Among other things, the standards establish:

- Setbacks for septic systems.
- A 50' primary building setback.
- A 150' natural woodland buffer.
- Stormwater and erosion control requirements.
- Density requirements for new lots.
- Restrictions on the use of fertilizer.
- Restrictions on salt storage yards, junk yards and solid waste facilities.
- Urbanized shoreland exemption.

On July 1, 2008, additional standards will be in effect.

[www.des.nh.gov/cspa](http://www.des.nh.gov/cspa)

## *The Critical Edge Created to Provide Timely Information to the Public*

DES plans to provide the public with information on the CSPA and related items as quickly as possible. Up-to-date information will help waterfront property owners make timely, informed, and responsible decisions for their waterfront properties. *The Critical Edge* newsletter was created as a way to make this information available to stakeholders on a regular basis. The DES Shoreland Program will publish *The Critical Edge* in May, June and July 2008, and quarterly thereafter.

## The CSPA is Changing in July

### *A Snapshot of What You Need to Know*

Effective July 1, 2008 there are several new standards that enhance the existing CSPA. The four major changes are:

- Impervious surface allowances.
- The creation of a waterfront buffer.
- Changes within the natural woodland buffer.
- A state shoreland permit is required for many excavation, construction and filling activities within the protected shoreland.

Examples of projects that require a permit, include, but are not limited to: construction of houses, accessory structures, septic systems, patios or driveways; excavation for foundations, driveways, regrading of any kind; filling for driveways or backfilling retaining walls. Application forms are available at [www.des.nh.gov/cspa](http://www.des.nh.gov/cspa).

Examples of **projects that do not need a permit** include, but are not limited to: using hand-held tools to work in a garden, removing dead, diseased or unsafe trees, trimming, pruning or thinning of branches, repairs to existing legal structures that do not increase the footprint, result in excavation or removal of native vegetation or increase septic loading. A complete list of

activities that do not require a permit can be found in the Shoreland Administrative Rules, Env-Wq 1406.03 and 1406.04.

After July 1, 2008, the area within 50' of the reference line

will be identified as the "waterfront buffer." Within the waterfront buffer, at least a minimum level of tree and sapling cover must be maintained. This cover is managed with a grid and points system. The waterfront buffer is divided into 50' by 50' grid segments. Fifty points of trees and saplings must be maintained in each grid segment. Trees and saplings may be cut, as long as the sum of the scores for the remaining trees and saplings equal 50 points. Points are given to trees and saplings according to their diameter at breast height (4-1/2' from the ground).

Impervious surfaces may cover up to 20% of the area within the protected shoreland and up to 30% with additional storm water protections.

After July 1, a percentage of the native vegetation between 50' and 150' will need to remain unaltered.

As July approaches, more information will be posted on the DES Shoreland web page.

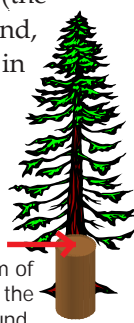
Tree Diameter Size	Points
1"-6"	1
>6"-12"	5
>12"	10

## Can vegetation be removed within the Natural Woodland Buffer prior to July 1?

The Comprehensive Shoreland Protection Act establishes minimum standards to protect water quality and fulfill the state's role as trustee of its waters. These standards apply to the Protected Shoreland – an area that extends 250' back from the high water mark (the reference line). Within the protected shoreland, there is a natural woodland buffer – an area in which vegetation removal is restricted.

Within the natural woodland buffer prior to July 1, tree and sapling removal is allowed as long as the removal does not exceed more than 50% of the basal area over a 20-year period and a well distributed stand of trees and saplings is left intact. Stumps and their roots systems must be left in the ground within 50' of the reference line.

**What is basal area?** If you cut off a tree stem 4-1/2' from the ground and looked down upon the stump, you would be looking at the basal area of the tree. The calculation used to determine basal area is  $\pi r^2$ .



**Basal Area**  
The area of the stem of the tree at 4-1/2' from the ground.

Shorefront property owners should be aware that within the natural woodland buffer, native ground cover such as native shrubbery and herbaceous plants, may only be removed for building construction purposes. A local building permit for construction is required before native ground cover can be removed.

The canopy and root systems of a healthy well distributed stand of trees, saplings, shrubs and ground cover play a major role in protecting the water quality and aquatic ecosystems of New Hampshire's lakes and rivers. You can do your share to protect our public waters by making sure land stays covered with healthy native vegetation.

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